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FEB - 3 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CORRESPONDENT OFFICE  
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HENRY M. RIVERA  
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TELEX 4938614

February 3, 1994

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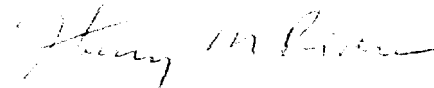
Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: Ex Parte  
PR Docket No. 93-61  
Automatic Vehicle Monitoring Systems

Dear Mr. Caton:

On Thursday, February 3, 1994, the attached letter was delivered to the individuals listed below. Two copies of this notice are being submitted to you pursuant to Section 1.1206(a)(1) of the Commission's Rules. Please associate this material with the above-referenced proceeding.

Sincerely,



Henry M. Rivera

HMR:lmc

cc: Mr. Ralph Haller  
Mr. Richard Smith  
Thomas Stanley, Ph.D.  
Brian Fontes, Ph.D.  
Diane Cornell, Esq.  
Byron Marchant, Esq.  
Karen Brinkmann, Esq.  
Rudolfo Baca, Esq.  
Mr. Michael Marcus

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February 3, 1994

**HAND DELIVERED**

Mr. Ralph A. Haller, Chief  
Private Radio Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 5002  
Washington, D.C. 20554

Re: PR Docket No. 93-61  
Automatic Vehicle Monitoring Systems

Dear Mr. Haller:

We represent Metricom, Inc., Southern California Edison Company, and ADEMCO, a division of Pittway Corporation. All these companies have been active participants in Docket No. 93-61. This Proceeding was commenced as a result of a Petition for Rulemaking filed by PacTel Teletrac ("Teletrac"). The Commission's Notice of Proposed Rulemaking ("NPRM") issued in response to Teletrac's Petition was consistent with Teletrac's proposal contained in its Petition. Many parties have commented on the proposal contained in the NPRM and the Commission has compiled an extensive record concerning that proposal.

We have recently become aware of a dramatic, new proposal by Teletrac to resolve the many complicated issues raised in this Proceeding. Our clients have not had an opportunity to study this new proposal nor have they had an opportunity to comment on it.

The new Teletrac proposal raises many interesting questions, not the least of which is whether the economic viability of AVI providers and Part 15 users and manufacturers is threatened by effectively restricting their operations to 16 MHz instead of 26 MHz. This is a significant issue and all parties should have an opportunity to comment on this aspect of the proposal if the Commission is seriously considering adopting Teletrac's new proposal.

Mr. Ralph A. Haller, Chief  
February 3, 1994  
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Another vital question raised by the new Teletrac proposal is how the Commission intends to resolve the interference controversies that will occur between Teletrac systems and Part 15 devices that were designed, constructed and in consumers' hands prior to the Commission's adoption of Teletrac's new proposal. As you are well aware, existing Part 15 spread spectrum devices are designed and constructed to operate over the entire 26 MHz available in the 902-928 MHz band and will continue to operate over the entire 26 MHz, notwithstanding the Commission's adoption of Teletrac's new proposal. Our clients are most interested in commenting on this subject.

Teletrac's new proposal raises many questions about the ripeness of this Proceeding for final Commission action at this time. It is a fundamental principal of Administrative Law that an agency must give affected parties the opportunity to comment on specific proposals for rule changes. Our clients have not had this opportunity regarding Teletrac's new proposal.

Therefore, we would submit that it would be a violation of this basic tenet of Administrative Law if the Commission were to adopt Teletrac's new proposal without affording all parties an opportunity to file comments on it. We respectfully suggest that if the Commission is seriously considering Teletrac's new proposal as a way to resolve the many complicated issues raised in the NPRM, that the Commission issue a Further Notice of Proposed Rulemaking soliciting comments on this new proposal or put Teletrac's new proposal out for public comment.

Sincerely,

Henry M. Rivera

HMR:lmc

cc: Mr. Richard M. Smith  
Thomas P. Stanley, Ph.D.  
Brian F. Fontes, Ph.D.  
Diane J. Cornell, Esq.  
Byron F. Marchant, Esq.  
Karen Brinkmann, Esq.  
Rudolfo L. Baca, Esq.  
Mr. Michael Marcus